

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

In Re:

Michelle Oglesby
Debtor

Case No. **19-23833-WIL**
Chapter 13

**MOTION TO DISMISS AND
NOTICE OF OPPORTUNITY FOR A HEARING**

Rebecca A. Herr, Chapter 13 Trustee in the above-captioned case (“Trustee”), pursuant to section 1307(c) of the Bankruptcy Code and Bankruptcy Rule 1017(f), requests the Court to dismiss this case. In support of her request, the Trustee respectfully represents the following:

1. That the Debtor filed this Chapter 13 case on October 16, 2019. The Plan, as confirmed, submits to the Trustee for the execution of the Plan the Debtor’s future earnings in the amount of \$600 per month for forty-eight (48) months; and then \$3,017 per month for twelve (12) months, for a total term of sixty (60) months. Total gross funding is \$65,004.
2. That given the size of the allowed claims filed, the plan is underfunded. Specifically, due to the accrued interest on the proof of claims filed by Main Street Utilities, LLC and Retreat at Fairwood Townhome Condominium, the plan no longer provides sufficient funding to pay all priority and secured claims in full.
3. That the Debtor has failed to propose a modified plan to provide for the additional funding needed to pay all priority and secured claims.

WHEREFORE, the Trustee moves that the subject case be dismissed pursuant to 11 U.S.C. 1307(c).

Respectfully submitted,

Date: March 2, 2021

/s/ Rebecca A. Herr
Rebecca A. Herr (Fed. Bar No. 29298)
Chapter 13 Trustee
185 Admiral Cochrane Drive
Suite 240
Annapolis, MD 21401
bherr@ch13md.com

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

You are notified of the filing of the foregoing Motion by the Trustee stating that you have caused unreasonable delay in these proceedings which is prejudicial to creditors and requesting that the subject case be dismissed pursuant to 11 U.S.C. Sec. 1307(c).

You are further notified that unless a responsive pleading stating facts which controvert, justify or explain the Trustee's allegation be filed and a copy of said pleading be served upon the Trustee, on or before March 23, 2021 this case will be dismissed on such date and the case will be closed.

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2021, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Motion to Dismiss will be served electronically by the Court's CM/ECF system on the following:

Donald L. Bell, Esq. donbellaw@gmail.com, admin@donbellaw.com
(Debtor's Counsel)

I hereby further certify that on March 2, 2021, a copy of the Motion to Dismiss was also mailed first class mail, postage prepaid to:

Michelle Oglesby
12716 Gladys Retreat Circle
Bowie, MD 20720
Debtor

/s/ Rebecca A. Herr
Chapter 13 Trustee